

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DAYS INN WORLDWIDE, INC.,)
formerly known as Days Inn of America,)
Inc., a Delaware Corporation,)

Plaintiff,)

vs.)

Civil Action No.: 4:08-cv-1771-TLW-TER

JBS, INC., II, a South Carolina Corporation,)
JONATHAN B. SMITH, an individual,)
and MARCI SINGLETON SMITH, an)
individual,)

Defendants.)

ORDER

The case was transferred to this Court from the Southern District of New York on May 1, 2008. (Doc. #17). On August 5, 2009, the plaintiff filed a motion to strike the defendants' answer and for entry of default as to defendant JBS, Inc., II. (Doc. #45). On October 26, 2009, the plaintiff filed a subsequent motion to strike the defendants' answer and for entry of default as to defendants JBS, Inc., II, Jonathan B. Smith, and Marci Singleton Smith. (Doc. #49). On January 20, 2010, the United States Magistrate Judge previously assigned to this case issued a Report and Recommendation recommending that the defendants' answer be stricken only as to defendant JBS, Inc., II, and that default be entered only as to defendant JBS, Inc., II. (Doc. #53). This Court issued an Order on February 19, 2010 accepting the Report and Recommendation, thereby striking the answer and entering default as to defendant JBS, Inc., II. (Doc. #59). The plaintiffs filed a motion to strike the defendants' answer and for entry of default as to the individual defendants on February 1, 2010. (Doc. #55).

This matter is now before the Court for consideration of the Report and Recommendation (“the Report”) issued by the Magistrate Judge previously assigned to this case. (Doc. #63). In the Report, the Magistrate Judge recommends that the answer be stricken as to the individual defendants and that default be entered as to the individual defendants. (Doc. #63). The individual defendants filed no objections to the Report. Objections were due on May 24, 2010.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge’s Report and Recommendation is **ACCEPTED**. (Doc. #63). For the reasons articulated by the Magistrate Judge, the plaintiff’s motion to strike is **GRANTED**. (Doc. #55). The answer is hereby stricken as to individual defendants Jonathan B. Smith and Marci Singleton Smith, and default is hereby entered as to individual defendants Jonathan B. Smith and Marci Singleton Smith.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

July 8, 2010
Florence, South Carolina